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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION**

Robert LaFountain

Civil Action No. 06-1342 ¹⁴³²

vs.

Judge Tucker L. Melancon

Commissioner Soc. Sec. Adm.

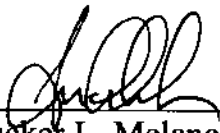
Magistrate Judge Methvin

JUDGMENT

On November 16, 2007, the Court entered Judgment affirming the magistrate judge's Report and Recommendation in this matter except as to the onset date of benefits, on which the Court deferred ruling pending plaintiff filing a memorandum addressing Footnote 38 in the magistrate judge's Report and Recommendation and Footnote 1 in defendant's objection to the magistrate judge's Report and Recommendation [Rec. Doc. 14]. Plaintiff filed its Memorandum Pursuant to the Court's Judgment on December 3, 2007 [Rec. Doc. 15]. Based on the plaintiff's memorandum, it is

ORDERED that this matter is remanded to the Commissioner for the purpose of determining whether the decision to uphold the cessation of LaFountain's benefits from November 1, 2001 through August 26, 2003 should be reopened, based on whether or not claimant's application of October 9, 2003 should be considered as a constructive appeal or a request for reopening.

Signed at Lafayette, Louisiana on December 20, 2007.



Tucker L. Melancon
United States District Judge